

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED IN OPEN COURT

DATE: 8-4-17

TIME: 12:00 p.m.

INITIALS: RLJ

UNITED STATES OF AMERICA,

\*

Plaintiff,

\*

Crim. No. 17-20104-JTF

v.

\*

P&R PACKING LLC,

\*

Defendant.

\*

**CONSENT ORDER OF FORFEITURE**

WHEREAS, the defendant, P&R Packing LLC, pleaded guilty pursuant to a written plea agreement to a Count 1 of two-count felony information charging it with delivering misbranded drugs into interstate commerce in violation of 21 U.S.C. §§331(a) and 333(a)(2);

WHEREAS, pursuant to the plea agreement, the defendant agreed to a criminal forfeiture money judgment in the amount of four hundred thousand dollars (\$400,000.00) in U.S. funds, representing the proceeds of the offense, to be payable by cashier's check prior to sentencing;

WHEREAS, the defendant subsequently complied with the forfeiture provision of the plea agreement by delivering a cashier's check in the amount of \$400,000.00 ("the Subject Property") to the U.S. Marshals Service;

WHEREAS, the defendant, by consenting to the entry of this order, agrees to waive the provisions of the Federal Rules of Criminal Procedure 7(c)(2), 32.2, and 43(a) with respect to notice in the indictment or information that the government will seek forfeiture as part of any sentence in this case, and that entry of this order shall be made a part of the sentence in or out of the presence of the defendant and be included in the judgment in this case without further order of the Court;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Pursuant to 21 U.S.C. §853(a), 18 U.S.C. §3554, and Rule 32.2(b)(1), Federal Rules of Criminal Procedure, the Subject Property is hereby forfeited to the United States to be disposed of in accordance with law.

2. Upon the entry of this Order, in accordance with Fed.R.Crim.P. 32.2(b)(3), the Attorney General (or a designee) is authorized to seize the Subject Property, and to conduct any discovery that may assist in identifying, locating or disposing of the Subject Property.

3. Upon entry of this Order, the Attorney General (or a designee) is authorized to commence any applicable proceeding to comply with statutes governing third party rights, including giving notice of this Order.

4. The United States shall publish notice of the order and its intent to dispose of the Subject Property on the government's internet website, [www.forfeiture.gov](http://www.forfeiture.gov). The United States shall also provide written notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding. The notice must describe the forfeited property, state the times under the applicable statute when a petition contesting the forfeiture must be filed, and state the name and contact information for the government attorney to be served with the petition. *See* Fed. R. Criminal. P. 32.2(b)(6).

5. Any person, other than the above-named defendant, asserting a legal interest in the Subject Property may, within thirty days of the receipt of notice, or within 60 days of the first publication of notice on the internet website, whichever is earlier, petition the court for a hearing without a jury to adjudicate the validity of his alleged interest in the Subject Property, and for an

amendment of the order of forfeiture, pursuant to 21 U.S.C. § 853(n) and 28 U.S.C. § 2461(c).

6. Pursuant to Fed. R. Criminal. P. 32.2(b)(4), this Consent Order of Forfeiture shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed. R. Criminal. P. 32.2(c)(2).

7. Any petition filed by a third party asserting an interest in the Subject Property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the Subject Property, the time and circumstances of the petitioner's acquisition of the right, title or interest in the Subject Property, any additional facts supporting the petitioner's claim and the relief sought.

8. If a petition is filed by a third party, and after the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A), and before a hearing on the petition, the parties may conduct discovery in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

9. The United States shall have clear title to the Subject Property following the Court's disposition of all third-party interests, or if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2) for the filing of third party petitions.

IT IS SO ORDERED, this 4 day of April, 2017.


s/John T. Fowlkes, Jr.  
U.S. District Court

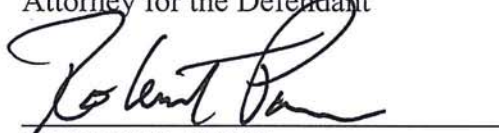
APPROVED AND CONSENTED:

LAWRENCE J. LAURENZI  
Acting United States Attorney

By:

  
TONY R. ARVIN  
Assistant United States Attorney

  
RICHARD D. COLLINS  
Attorney for the Defendant

  
ROBERT PARRIS  
Attorney for the Defendant